

## AN ORDINANCE 101349

APPROVING THE LEVY OF A SPECIAL ASSESSMENT FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT (PID); LEVYING AN ASSESSMENT RATE FOR FISCAL YEAR 2006 AT \$0.12 PER \$100 VALUE OF REAL PROPERTY IN THE PID; AND APPROVING THE FISCAL YEAR 2006 SERVICES AND ASSESSMENT PLAN FOR THE PID.

\* \* \* \* \*

**WHEREAS**, Ordinance Number 99288, passed and approved on June 3, 2004 by the City Council of the City of San Antonio ("City"), reestablished the Downtown Public Improvement District ("PID") according to the requirements of the Public Improvement District Assessment Act, Local Government Code, Chapter 372 (the "Act"); and

**WHEREAS**, the PID is a means through which property owners in the District can self-fund additional improvements and services to enhance the appearance and safety of the San Antonio downtown area; and

**WHEREAS**, for Fiscal Year ("FY") 2006, in addition to the annual property taxes, property owners in the PID will be required to pay an additional assessment rate of twelve cents (\$0.12) per one hundred dollar (\$100.00) valuation which could raise in excess of \$1.3 million annually to fund a variety of supplemental services; and

**WHEREAS**, the City is responsible for payment of assessments against exempt municipal property in the PID and at this time, staff estimates the City's PID contribution on City-controlled property to be \$97,556.00 for FY 2006, and CPS' FY 2006 contribution to be \$17,444.00; and

**WHEREAS**, although the special PID assessments will be collected by the City, in 2004 the City contracted with Centro San Antonio Management Corporation ("Centro"), a Texas non-profit corporation, to administer and coordinate daily services in the PID and to prepare the annual Services and Assessment Plan; and

**WHEREAS**, the terms of the proposed FY 2006 Services and Assessment Plan (the "Plan") have been negotiated and agreed to between City staff and Centro and include an annual budget, a five-year fiscal forecast, the supplemental special assessment rate to fund services and improvements for the PID management program, a management program, a maintenance and landscaping program, a marketing program, and a public service representatives program; and

**WHEREAS**, payment for the services and improvements to be provided for under the Plan, attached as Exhibit A, are proposed to be paid to Centro from the PID Fund; and

**WHEREAS**, the Act requires a public hearing to be held annually to consider oral and written objections to the levying of a supplemental special assessment to fund services and improvements for the PID in the Downtown Area; and

**WHEREAS**, the Act requires notice of the public hearing to be advertised in a newspaper of general circulation at least ten (10) days before the public hearing to consider the proposed levy of a special supplemental assessment on the real property in the PID; and

**WHEREAS**, the Act requires that all property owners in the proposed PID must be notified in writing of the petitioned action and public hearing; and

**WHEREAS**, notices were mailed to individual property owners on August 26<sup>th</sup>, 2005, and the required public notice appeared in the San Antonio Express News on August 28<sup>th</sup>, 2005; and

**WHEREAS**, a public hearing was held and closed on September 8, 2005, at 9:30 a.m., in the San Antonio City Council Chambers, to consider the levy of a special assessment to fund supplemental services for the PID; levying an assessment rate for FY 2006 at \$0.12 per \$100 value of real property in the PID; and approval of the FY 2006 Service and Assessment Plan of the PID; and

**WHEREAS**, at or on the adjournment of the public hearing the City Council heard and passed on any objections to the levying of the supplemental special assessment; and

**WHEREAS**, at the end of the public hearing, staff requested the levy of the supplemental special assessment, approval of the supplemental special assessment rate, and approval of the FY 2006 Service and Assessment Plan for the PID; and

**WHEREAS**, it is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Act; and

**WHEREAS**, it is now necessary for the City Council to levy a special assessment to fund supplemental services for the PID; levy an assessment rate for FY 2006 at \$0.12 per \$100 value of real property in the PID; and approve the FY 2006 Service and Assessment Plan of the PID; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** A public hearing was held at 9:30 a.m. in the San Antonio City Council Chambers in accordance with Chapter 372, Texas Local Government Code to consider the levy of a Special Supplemental Assessment to fund supplemental services for the Public Improvement District ("PID").

**SECTION 2.** A Special Supplemental Assessment to fund supplemental services for the Public Improvement District ("PID") is approved.

**SECTION 3.** A supplemental special assessment rate of \$0.12 per \$100.00 valuation of real property in the PID during the Fiscal Year ("FY") 2006 is levied to fund supplemental improvements and services in the PID.

**SECTION 4.** Based on the estimated \$81,296,710.00 value of City of San Antonio controlled property within the PID, and subject to annual appropriations by City Council, the City shall make a net contribution for FY 2006 of \$97,556.00 to the PID beginning in FY 2006 and continuing through FY 2009 for the payment of PID assessments. Further, the value of the net assessment on and contribution from City Public Service (CPS) controlled property for FY 2006 is established at \$17,444.00, based upon the estimated \$14,562,400 value of CPS controlled property within the PID.

**SECTION 5.** The FY 2006 Service and Assessment Plan, attached as Exhibit A, is approved.

**SECTION 6.** The following amounts are budgeted for FY 2006 for Fund 69-018000:

<u>Internal Order</u>	<u>General Ledger</u>	<u>Description</u>	<u>Amount</u>
207000000122	4101104	Assessment Collection – Private	\$1,276,349
207000000124	4909930	Assessment Collection – City	\$97,556
207000000125	4101104	Assessment Collection – CPS	\$17,444
207000000121	4101104	Contributions from other Governmental Agencies	\$110,345
207000000116	4901301	Interest on Time Deposits	\$4,000
207000000122	4101201	Delinquent Payments, Penalties and Interest	\$30,000
		<b>Total Budgeted Revenues:</b>	<b>\$1,535,694</b>

**SECTION 7.** The following amounts are encumbered and appropriated for FY 2006 for Fund 69-018000:

<u>Financial Data</u>	<u>Description</u>	<u>Amount</u>
GL5201040 CC1603060001	Centro SA Management Contract	\$180,000
GL5201040 CC1603060001	District Operations	\$135,000
GL5201040 CC1603060001	Maintenance Program	535,000
GL5201040 CC1603060001	Landscaping Program	125,000
GL5201040 CC1603060001	Public Service Representatives	425,000
GL5201040 CC1603060001	Marketing & Promotions	50,000
GL5201040 CC1603060001	Unallocated Contingency	100,000
GL5201040 CC1603060001	<b>Total Appropriations</b>	<b>\$1,550,000</b>

**SECTION 8.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance. .

**SECTION 9.** The statements set forth in the recitals of this Ordinance are true and correct, and are incorporated as a part of this Ordinance.

**SECTION 10.** This ordinance shall become effective on the tenth (10<sup>th</sup>) day after passage.

***PASSED AND APPROVED*** this 8<sup>th</sup> day of September 2005.

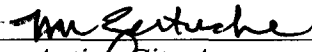


M A Y O R

PHIL HARDBERGER

Attest:   
City Clerk

APPROVED AS TO FORM:

  
for Acting City Attorney

# Agenda Voting Results

**Name:** 3A. & 3B

**Date:** 09/08/05

**Time:** 09:45:55 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance approving the levy of a special assessment for the Downtown Public Improvement District (PID); levying an assessment rate for fiscal year 2006 at \$0.12 per \$100 value of real property in the PID; and approving the fiscal year 2006 services and assessment plan for the PID.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		